

Interview Summary:

The undersigned attorney discussed this application with the Examiner on December 17, 2010. The undersigned attempted to schedule a telephone interview prior to filing this response. The Examiner indicated that he would not be available until January 2011. It was concluded that if the amendment made herein was not deemed sufficient by the Examiner to place this application in condition for allowance the Examiner would contact the undersigned to conduct a telephone interview prior to the Examiner issuing a second Office Action. The contact information for the undersigned attorney can be found on the last page of this response.

This is believed to be a full and complete summary of the telephone conversation, and no further Interview Summary is deemed to be necessary.

Remarks:

In the Office Action the Examiner stated that applicants' claim for foreign priority was acknowledged. However, the Examiner also stated that the applicants have not filed a certified copy of the priority application. It is noted that a certified copy of the priority document was apparently forwarded from the International Bureau to the USPTO. The Notification of Missing Requirements mailed on 06/18/2008 states that the Priority Document was "submitted by the applicant or the IB". The Notice of Acceptance of Application mailed on 08/05/20078 lists the Priority Documents under the heading: "The following items have been received". It is respectfully submitted that based on these USPTO documents the priority document was previously transmitted by the IB to the USPTO, and was indicated several times previously by the USPTO as having been received.

Claims 42-51 have been amended so as to render moot the rejection under 35 USC 101.

The preamble of Claim 22 was amended to add "An" before the word "apparatus", and to thus overcome the objection.

Claims 22-51 were rejected under 35 USC 102(b) as being anticipated by Ito et al. (US 2003/0014600 A1). Ito et al. appears to be the US equivalent of EP 1 276 034 A, cited in the International Search Report as an 'X' reference against claims 1-4, 9-13, 19 and 21 of the International Patent Application.

The rejection is respectfully disagreed with, and is traversed below.

As is made clear in MPEP § 2131:

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). "The identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

When rejecting claim 33 the Examiner states that Ito et al. disclose the claimed subject matter, but then states "it is interpreted that the storage subsystem can dynamically change associations and backup, see paras. [0063]-[0064] and [0092]".

Claim 33 as filed recited:

The apparatus as in claim 22, where said storage controller is operable as a back up storage by associating all ports of the storage controller in all named sets and by selecting which named set the logical units are associated with.

Paragraphs [0063], [0064] and [0092] of Ito et al. state only the following:

[0063] First, the storage subsystem 101 includes a microprocessor 114 for executing various arithmetic operations and processing, and includes also a plurality of storage unit groups 115, a storage control device 116 for controlling data write/read to and from these storage unit groups, and a bus 117 for connecting the storage unit groups 115 to the storage control device 116.

[0064] Further, the storage subsystem 101 includes a memory 118 used as a work area of various arithmetic operations and processing and a non-volatile memory

119 for preserving various management information and management tables. The storage subsystem 101 further includes a cache 120 as means for improving the response to the host computer.

[0092] The table 1101 associates WWN of the host computers having the possibility of access with GID (Group ID) allocated to these host computer groups when the user arbitrarily groups them, and imparts the logical unit number (LUN) that the user can set arbitrarily to these host computer groups in the storage areas capable of permitting the access inside the storage subsystem.

These paragraphs make no mention of the claimed subject matter, and certainly do not present a teaching that would rise to the level of anticipation under 35 USC 102(b). In fact, the word "backup" (or "back-up") is not found in Ito et al. As such, the Examiner's statement that "it is interpreted that the storage subsystem can dynamically change associations and backup" is not agreed with, as there is no express disclosure in Ito et al. that would support the Examiner's interpretation.

Claim 33 is cancelled without prejudice or disclaimer. Claim 22 has been amended to recite:

where a storage controller is configurable as a back-up storage controller by associating all ports of the storage controller in all named sets and by selecting which named set that logical units of the storage controller are associated with.

Claim 22 is clearly not anticipated by Ito et al. under 35 USC 102(b).

Dependent claim 32 has been amended to recite:

where said association unit that performs the associating comprises part of a first storage controller, where said storage controller that is configurable as a back-up storage controller comprises a second storage controller, where logical units of said second storage controller are usable as temporary storage, and where a logical unit to storage area network switch zone relationship of the second storage controller is modifiable such that data storage represented by the second storage controller is available to a host computer running an application that requires temporarily storage.

Support for this amendment can be found in the corresponding published US Patent Application 2008/0281993 A1 at least in paragraphs [0033], [0058] and [0071]. No new matter is introduced. Claim 32 should also be found to be allowable.

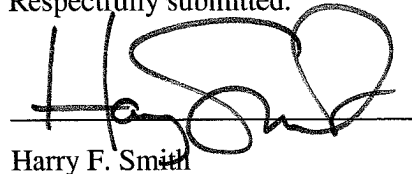
Independent claims 34 and 42 have been amended in a similar manner and should also be found to be in condition for allowance. For example, claim 34 now states:

where an association unit that performs the associating comprises part of a first storage controller, and where a second storage controller is configurable as a backup storage controller by associating all ports of the second storage controller in all named sets and by selecting which named set that logical units of the second storage controller are associated with.

The specific argument and amendments made above with respect to claim 33 should not be read or construed as an express or an implied acknowledgement that the applicants agree with the Examiner's rejections of the other claims.

A favorable reconsideration that results in the allowance of all of the pending claims is earnestly solicited.

Respectfully submitted:



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